

REMARKS

1. The pending Office Communication requires election between what it characterizes as three species and corresponding unique special technical features represented by:

Figure 1 (with a protective layer);

Figure 7A (with a conductive portion for detecting a break in the conductive portion); and

Figure 7B (with a conductive portion for detecting a short in the conductive portion).

With traverse, the applicant provisionally elects Figure 1. However, the distinctions asserted by the restriction requirement are not relevant to the claims. “Fig. 1 is a simplified pictorial illustration of an integrated circuit having a protective layer....” (9:5-6). It also illustrates a pattern of the conductive portion of the protective layer, but the written description explains that the illustrated pattern is “one non-limiting example” (20:23-24). Furthermore, none of the claims recite any particular shape or pattern for the conducting portion, though some of the claims recite the shape (whatever it may be) of the conductive portion of one of a plurality of integrated circuits as being different than the shape of the conductive portion of another one (or in some claims than any other one) of the plurality of integrated circuits. Figures 7A and 7B are simply illustrations of respective examples of such “patterns of the conductive portion of the protective layer of the integrated circuit of Fig. 1” (9:13-14). Indeed, the pattern of Figure 7A is very similar to the pattern of Figure 1.

It is true that the pattern of Figure 7A is well-suited to detecting a break in the conductive portion, and the pattern of Figure 7B is well-suited to detecting a

short in the conductive portion. However, those features are not recited by any of the claims.

In summary, the asserted distinctions between Figures 1, 7A and 7B are not relevant to what is claimed and have nothing to do with unity of the invention. Therefore, the applicant respectfully traverses the restriction requirement.

2. The pending Office Communication also requires election between:

Group I - claims 23-24; and

Group II - claims 1-22 and 25-32.

With traverse, the applicant provisionally elects Group II (claims 1-22 and 25-32).

“If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.” MPEP 803. In the captioned application, an integrated circuit of claims 23 or 24 is sufficiently related to an integrated circuit resulting from methods of claims in Group II that the same art would have to be searched for examination of both groups. For example, like the integrated circuit of claim 23, an integrated circuit resulting from the method of claim 1 would also have a lower integrated circuit portion having an interconnect layer, an additional layer deposited over substantially all of a surface of the lower integrated circuit portion, and a first portion of the additional layer comprising a sub-circuit in operative electrical communication with the lower integrated circuit portion. The same art would have to be searched for examination of both claims and, consequently, “search and examination of all the

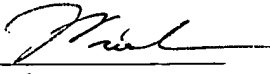
claims in [the] application can be made without serious burden” and the applicant respectfully traverses the restriction requirement.

Favorable consideration and allowance of the present application are hereby respectfully requested.

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Respectfully submitted,



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